

Appl. No. 10/766,250
Amdt. dated February 20, 2006
Reply to Office Action of November 21, 2005
Attorney Docket 17299

REMARKS/ARGUMENTS

Claims 1-11 are currently pending for examination. Claims 1, 7, 9, and 10 have been amended. Claims 12-22 were previously withdrawn. No new matter has been added.

Objection to the Specification

The Examiner has objected to the disclosure indicating that throughout the specification, there is improper spacing between words and at times separating letters of a word. A substitute specification is attached to this response in which appropriate corrections have been. No new matter has been added. Withdrawal of the objection is respectfully requested.

Objection to the Drawings

The drawings have been objected to under 37 CFR 1.83(a). The feature of Claim 9 that was the subject matter of the objection has been cancelled from the claim thus obviating the need for an amendment to the drawings as previously filed. Withdrawal of the objection is respectfully requested.

Rejection of Claims 1-11 under 35 U.S.C. 112

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 7 have been amended to remove any ambiguity in reference to the "central body." Claim 7 has additionally been amended to eliminate the previous ambiguity of claiming "the suspension is swept back at the same sweep-back angle as each axle shaft."

In reference to Claim 2, applicant respectfully submits that Claim 2 as previously presented clearly claims "reducing a wheelbase of the vehicle" which clearly refers to a wheelbase of the work vehicle first mentioned in the preamble of Claim 1 from which Claim 2 depends.

Claim 10 has been amended to clarify "the other end" to be in reference to the fluid actuator.

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Claim 11 which depends indirectly from Claim 7 has not been amended as applicant respectfully submits Claim 11 as originally submitted refers to "each axle shaft" in clear reference the Claim 7 which plainly states "each axle shaft including."

Withdrawal of the rejection of Claims 1-11 is respectfully requested.

Rejection of Claims 1 under 35 U.S.C. 102

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Youmans (4,081,049).

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Youmans does not teach or suggest all the elements recited in Claim 1.

Applicant respectfully submits that Youmans at minimum fails to teach or disclose both "a central axle portion extending perpendicular to said longitudinal axis of symmetry over a width of the central body" and "two front axle shafts, each axle shaft being associated with a respective front wheel each axle shaft including at least one intermediate portion having a longitudinal axis of symmetry that slopes by a sweep-back angle with respect to a line perpendicular to the longitudinal axis of symmetry of the vehicle" as presently claimed in Claim 1.

Referring to Fig. 8 and Fig. 9 of Youmans it is clear that Youmans fails to teach a front axle for a vehicle as claimed in Claim 1 as Fig. 8 shows a straight axle without any sweep back portion and Fig. 9 shows a sweep back portion without a perpendicular portion. It is also to be noted that even if the circular center section connecting sections 19m and 19n were construed to have a shaft perpendicular to the main axis, it is obvious from Fig. 8 or 9 that such section clearly does not "extend over a width of the central body" has claimed in Claim 1.

As the cited reference of Youmans fails to disclose each and every element of Claim 1, the rejection should be withdrawn. Withdrawal of the rejection of Claim 1 is respectfully requested.

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Rejection of Claims 1 and 7 under 35 U.S.C. 102

Claim 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pond et al. (6,036,201).

In order for a reference to be an anticipatory reference, the reference must disclose each and every element of the claimed invention. It is respectfully submitted that Pond does not teach or suggest all the elements recited in Claims 1 or 7. In particular, Pond at minimum fails to teach or disclose "a central axle portion extending perpendicular to said longitudinal axis of symmetry over a width of the central body" as is presently claimed in Claims 1 and 7.

Conversely, Pond appears to teach a vehicle having a power transfer unit (80) which is much narrower than the vehicle body (12) and which obviously does not "extend...over a width of the central body" as taught by the present invention.

For at least this reason, the obviousness rejection based on the reference of Pond should be withdrawn. Withdrawal of the rejection is respectfully requested.

Rejection of Claims 2-6 under 35 U.S.C. 103(a)

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Youmans (4,081,049). Additionally, Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pond.

In order to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. Applicant respectfully submits, as previously discussed, that both Youmans and Pond either individually or combined fail to teach or suggest all of the limitations of Claim 1. As Claims 2-6 depend from Claim 1, both Youmans and Pond fail to teach or suggest all of the limitations of Claims 2-6. For at least this reason Claims 2-6 should be allowed over the cited art of Youmans and Pond whether viewed individually or as a combination. Withdrawal of the rejection is respectfully requested.

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Rejection of Claims 8-11 under 35 U.S.C. 103(a)

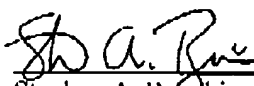
Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pond et al. (6,036,201) in view of Osburn et al. (6,568,696).

In order to establish a *prima facie* case of obviousness, three criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied reference must teach or suggest all the claim limitations (See MPEP §2143).

It is respectfully submitted that the Office Action does not meet the criteria for establishing a *prima facie* case of obviousness. Applicant respectfully submits, as previously discussed, that Pond et al. fails to teach or suggest all of the limitations of Claim 7, in particular "a central axle portion extending perpendicular to said longitudinal axis of symmetry over a width of the central." The cited reference of Osburn also fails to teach or suggest such a limitation as claimed in Claim 7. As Claims 8-11 depend from Claim 7, which should be allowed over the cited references of Pond and Osburn, Claims 8-11 should also be allowed over the cited references for at least the same reasons. Withdrawal of the rejection is respectfully requested.

In view of the above remarks, it is believed that the application is in condition for allowance. Accordingly, an early Notice of Allowance is respectfully requested. If Examiner believes a telephone conference would accelerate the examination of this application he is encouraged to contact the applicant's attorney at the phone number listed below.

Respectfully submitted,


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